

REMARKS

This application has been carefully reviewed in light of the Office Action dated June 3, 2003. Claims 1-2 remain pending in this application. Claim 1 is the independent claim. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1 and 2 under 35 U.S.C. § 103(a) as being anticipated by Van Doorn et al. (U.S. Patent No. 5,942,848; hereinafter "Van Doorn") in view of Hayama et al. (U.S. Patent No. 5,936,339; hereinafter "Hayama"). Applicant respectfully submits that the pending claims are patentable for at least the following reasons:

Applicant's Claim 1 recites: "[a] [c]olor display device comprising a substrate, said color display device having on the substrate a phosphor pattern of phosphor regions containing phosphors for emitting, in operation, red, blue and green light through a display window, with at least a blue color filter layer extending between the blue phosphor and the substrate, characterized in that the blue phosphors comprises phosphor particles provided with blue pigment."

As stated in the Office Action, Van Doorn fails to recite or suggest that the blue phosphors comprise phosphor particles provided with blue pigment.

Hayama recites color phosphor particles "applied on the inner surface of face-plate 4, thus forming three color phosphor screens" (see, e.g., Col. 3, line 66 to Col. 4, line 1). Hayama does not recite or suggest display windows or blue color filters extending between the blue phosphor and the substrate. M.P.E.P. § 706.02(j) states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Hayama and Van Doorn cannot be properly combined. No motivation exists to add colored phosphor (as in Hayama) to an already existing color filter (as in Van Doorn). In fact, the expectation would more properly be that this combination is counter-productive since part of the optical absorption is transferred from the blue filter layer to the pigment. Simply because Hayama relates to improved contrast and brightness over a face-plate, does not provide adequate motivation for combination. Hayama fails to provide that which Van Doorn, lacks, i.e., blue pigment in a blue phosphor above a blue filter layer. In addition, the combination

of Hayama and Van Door fails to recite or suggest a blue color filter layer extending between the blue phosphor and the substrate where the blue phosphor particles have blue pigment, and thus all the claimed limitations of Claim 1. Consequently, Claim 1 is believed patentable over Van Doorn in view of Hayama for at least these reasons.

Further, the Office Action's argument that one of ordinary skill in the art at the time of the invention would have been motivated to combine Van Doorn with Hayama because the color display device can produce a higher emission brightness and better contrast than a display device without the pigments cannot be sustained. This is because mere possibilities do not constitute grounds by which an obviousness rejection can be maintained without improper hindsight by "use[ing] the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention," see *In Re Denis Rouffet*, 47 USPQ.2d 1453, 1457-58 (Fed. Cir. 1998). This improper hindsight indicates an improper means by which to reject a claim.

Claim 1 is believed patentable over Van Doorn in view of Hayama for at least these reasons.


Claim 2 depends from independent Claim 1 discussed above and is believed patentable for at least the same reasons. In addition, Applicant respectfully believes Claim 2 to be independently patentable and request separate consideration of each claim.

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In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned agent may be reached by telephone at the number given below.

Respectfully submitted,

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